

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 17 OCTOBER 2024

Present:

Committee Members:	Councillor Wilby (Chairman) and Councillors Cleator, Cox, Greenan, Harwood, Jones, M Naghi, Oliver, Russell, J Sams, Springett, M Thompson, S Thompson, Trzebinski and D Wilkinson
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158. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jeffery, Riordan, Spooner and Summersgill.

159. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Jones for Councillor Summersgill
Councillor Oliver for Councillor Jeffery
Councillor Russell for Councillor Riordan
Councillor Springett for Councillor Spooner

The following Substitute Members were noted for items 14 (24/503505/FULL – Maidstone House, Maidstone Borough Council, King Street, Maidstone, Kent) and 19 (24/502680/NMAMD and 24/503625/NMAMD – Heather House, Bicknor Road, Maidstone, Kent):

Councillor Greenan for Councillor S Thompson
Councillor J Sams for Councillor Cox

160. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

161. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

162. URGENT ITEMS

The Chairman said that he intended to take the update reports of the Head of Development Management and any verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

163. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that as a Member of the Cabinet, he would leave the meeting when Council applications 24/503505/FULL (Maidstone House, Maidstone Borough Council, King Street, Maidstone, Kent) and 24/502680/NMAMD and 24/503625/NMAMD (Heather House, Bicknor Road, Maidstone, Kent) were discussed due to the possible perception of interest.

Councillor Oliver disclosed a Disclosable Pecuniary Interest in application 24/502975/FULL (75 Roseacre Lane, Bearsted, Maidstone, Kent). He stated that he was the applicant and would withdraw from the meeting when the application was discussed.

Councillor Russell stated that as a member of the previous Cabinet, she had been involved in the Heather House and Pavilion Building schemes. She would withdraw from the meeting when applications 24/502680/NMAMD and 24/503625/NMAMD (Heather House, Bicknor Road, Maidstone, Kent) were discussed.

Councillor M Thompson stated that although he had called in application 24/501948/FULL (19 Castle Dene, Maidstone, Kent) to be dealt with by the Committee, he would approach determination of the application with an open mind.

Councillors Wilby and D Wilkinson stated that they were involved in the Enforcement Group in relation to the Memorandum of Understanding for Heather House. However, this did not affect their views on applications 24/502680/NMAMD and 24/503625/NMAMD (Heather House, Bicknor Road, Maidstone, Kent) and they intended to speak and vote when the proposed changes were considered.

164. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

12.	21/502751/EIOUT - Gibraltar Farm, Ham Lane, Hempstead, Gillingham, Boxley Road, Walderslade, Kent	Councillors Harwood and Wilby
15.	24/501948/FULL - 19 Castle Dene, Maidstone, Kent	Councillors Harwood, M Thompson and Wilby
16.	24/502104/FULL - Land Adjacent to Greengates, Lenham Road, Headcorn, Kent	Councillor Trzebinski

165. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

166. MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2024 ADJOURNED TO 26 SEPTEMBER 2024

RESOLVED: That consideration of the Minutes of the meeting held on 19 September 2024 adjourned to 26 September 2024 be deferred until the next meeting to enable an error to be corrected.

167. PRESENTATION OF PETITIONS

There were no petitions.

168. 24/503505/FULL - INSTALLATION OF EXTERNAL CLADDING, REPLACEMENT WINDOWS, AND INSTALLATION OF PLANT/EQUIPMENT TO THE ROOF AND ASSOCIATED WORKS - MAIDSTONE HOUSE, MAIDSTONE BOROUGH COUNCIL, KING STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report.
2. That the Head of Development Management be given delegated powers to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 11 – For 0 – Against 0 – Abstentions

Note: Having stated that he was a Cabinet Member, Councillor Harwood left the meeting while this Council application was discussed.

169. 24/502680/NMAMD AND 24/503625/NMAMD - HEATHER HOUSE, BICKNOR ROAD, MAIDSTONE, KENT

24/502680/NMAMD - NON-MATERIAL AMENDMENT APPLICATION TO PERMISSION 22/500222/FULL - AMENDMENTS TO RESIDENTIAL BOUNDARY TREATMENT, RELOCATE APPROVED RAGSTONE WALL TO EASTERN BOUNDARY AND ERECT A CLOSE-BOARDED FENCE ALONG THE NORTHERN BOUNDARY (IN LIEU OF WHERE THE WALL WAS LOCATED)

The Committee considered the report of the Head of Development Management.

RESOLVED: That the Non-Material Amendment under ref. 24/502680/NMAMD be granted subject to the proposed changes to conditions 2 and 11 of permission ref. 22/500222/FULL, as approved on 1 June 2023, set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

24/503625/NMAMD - NON-MATERIAL AMENDMENT APPLICATION TO PERMISSION 22/500222/FULL - AMENDMENT TO CONDITION 33 - REMEDIATION STRATEGY AND VERIFICATION PLAN

The Committee considered the report of the Head of Development Management.

RESOLVED: That the Non-Material Amendment under ref. 24/503625/NMAMD be granted subject to the proposed changes to condition 33 of permission ref. 22/500222/FULL, as approved on 1 June 2023, set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

Note:

1. Having stated that he was a Cabinet Member, Councillor Harwood left the meeting while these Council applications were discussed.
2. Having stated that she had been involved in the Heather House and Pavilion Building schemes when she was a member of the previous Cabinet, Councillor Russell left the meeting while these applications were discussed.
3. Councillors Cox, Jones and S Thompson joined the meeting at the conclusion of these applications (6.16 p.m.).

Councillor Cox stated that she had been lobbied on item 13 (21/504779/REM – Land North of Old Ashford Road, Lenham, Kent).

Councillor Jones stated that the Gibraltar Farm site (item 12 (21/502751/EIOUT)) was adjacent to land allocated in the Local Plan Review 2024 for the Lidsing Garden Community. Since she had headed up the campaign against both developments, she would leave the meeting when the application was discussed.

170. 24/502975/FULL - ERECTION OF A TWO-STOREY FRONT AND A SINGLE-STOREY REAR EXTENSION INCLUDING CHANGES TO FENESTRATION - 75 ROSEACRE LANE, BEARSTED, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report.
2. That the Head of Development Management be given delegated powers to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Having disclosed a Disclosable Pecuniary Interest, Councillor Oliver left the meeting while this application was discussed.

171. 24/503446/FULL - PROPOSED LOFT CONVERSION WITH HIP TO GABLE ROOF EXTENSION TO SIDE ELEVATIONS WITH BARN HIPS, CROWN TOP DORMER TO REAR ELEVATION, 5 NO ROOFLIGHT WINDOWS TO FRONT ELEVATION AND

SINGLE STOREY GROUND FLOOR EXTENSION TO REAR ELEVATION. CHIMNEY REMOVAL - 45 FAUCHONS CLOSE, BEARSTED, KENT

The Committee considered the report and the urgent update report of the Head of Development Management.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report.
2. That the Head of Development Management be given delegated powers to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

172. 21/504779/REM - APPROVAL OF RESERVED MATTERS WITH APPEARANCE AND SCALE (INCLUDING NUTRIENT NEUTRALITY INFORMATION) BEING SOUGHT FOR 102NO. RESIDENTIAL DWELLINGS PURSUANT TO 17/500357/HYBRID FOR HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION - ERECTION OF 48 DWELLINGS AND ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE. OUTLINE APPLICATION - ERECTION OF 102 DWELLINGS (ACCESS, LAYOUT AND LANDSCAPING TO BE SOUGHT) - LAND NORTH OF OLD ASHFORD ROAD, LENHAM, KENT

The Committee considered the report and the urgent update report of the Head of Development Management. It was noted that this application had been reported to the Committee at its meeting held on 19 September 2024. The Committee agreed to grant permission subject to the prior completion of S106 legal agreements. The decision had not been issued and further representations received from Natural England and Lenham Parish Council on the day of the meeting, but not heard by the Committee, needed to be considered.

When introducing the application, the Principal Planning Officer advised the Committee that to accord with the Habitats Regulations Assessment, she was recommending that condition(s) be imposed securing details on construction management and landscape management matters.

Councillor Walmsley of Lenham Parish Council addressed the meeting.

RESOLVED:

That subject to:

- A. The adoption of an Appropriate Assessment for Phase 2 under the Conservation of Species and Habitats Regulations 2017 (as amended);
- B. The prior completion of legal agreement(s) in such terms as the Head of Legal Partnership may advise to secure:
 - (a) the Heads of Terms set out in the report, as amended by the urgent update report, with the further amendment of the Head of Terms relating to

the proposed 30-year management plan to ensure that the ecological benefits of the northern and eastern landscape buffers are maximised; and
(b) the prior payment of S106 monitoring fees as set out in the report, as amended by the urgent update report; and

- C. The conditions and informatives set out in the report, as amended by the urgent update report, and the condition(s) recommended by the Principal Planning Officer when introducing the application,

the Head of Development Management be given delegated powers to grant permission and to be able to add, settle or amend any necessary Heads of Terms, planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

173. 21/502751/EIOUT - OUTLINE APPLICATION (WITH ALL MATTERS RESERVED EXCEPT ACCESS) FOR THE ERECTION OF UP TO 450 MARKET AND AFFORDABLE DWELLINGS, NURSERY AND SUPPORTING RETAIL SPACE UP TO 85SQM, WITH PROVISION OF MAIN ACCESS TO HAM LANE; ESTATE ROADS; CYCLE AND PEDESTRIAN ROUTES; RESIDENTIAL AND COMMUNITY OPEN SPACE AND LANDSCAPING; NEW JUNCTION FOR LIDSING ROAD/HEMPSTEAD ROAD AND REALIGNMENT AND WIDENING OF LIDSING ROAD. OFF SITE RELATED HIGHWAY WORKS TO WESTFIELD SOLE ROAD, SHAWSTEAD ROAD, HEMPSTEAD ROAD, CHAPEL LANE, HEMPSTEAD VALLEY DRIVE, HOATH WAY ROUNDABOUT, HOATH WAY AND M2 JUNCTION 4. (RE-SUBMISSION OF 19/500765/OUT) - GIBRALTAR FARM, HAM LANE, HEMPSTEAD, GILLINGHAM, BOXLEY ROAD, WALDESLADE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED:

1. That subject to:
 - A. No representations being received before 22 October 2024 raising issues not already assessed; and
 - B. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure:
 - (a) the Heads of Terms set out in the report, with an additional Head of Terms relating to environmental/traffic calming measures in the villages of Boxley and Bredhurst to require the formation by Maidstone Borough Council of a Working Group including representatives of Boxley and Bredhurst Parish Councils to oversee the expenditure; and
 - (b) the prior payment of S106 monitoring fees; and
 - C. The conditions and informatives set out in the report, with the amendment of the appropriate condition(s) to maximise biodiversity/habitat mosaic at the site entrance,

the Head of Development Management be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms,

planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

2. That the Officers be requested to ensure that Medway Council is aware of this Council's concern to ensure that the high standards that it would seek in terms of landscape and ecological mitigation, energy efficiency, sustainability issues, biodiversity enhancements and wet SUDS are reflected in the Medway part of the development.

Voting: 11 – For 1 – Against 0 – Abstentions

Note:

1. Having stated that she had campaigned against this development and the allocation of adjoining land in the Local Plan Review 2024 for the Lidsing Garden Community, Councillor Jones left the meeting when this application was discussed.
2. Councillor S Thompson stated that Boxley Parish Council's discussions on this application pre-dated his membership of the Parish Council.

174. 24/501948/FULL - CHANGE OF USE OF A SINGLE DWELLING TO A 7 BED HMO INCLUDING A GARAGE CONVERSION INTO A HABITABLE SPACE, RAISING ROOF HEIGHT, INSERTION OF A FRONT DORMER WINDOW AND ROOF LIGHTS - 19 CASTLE DENE, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

Mrs Wakley, an objector, and Mrs Wright, a concerned resident in the Residents' Association speaker slot with the Chairman's discretion, addressed the meeting.

Contrary to the recommendation of the Head of Development Management, the Committee resolved to refuse permission. In making the decision the Committee considered that:

The proposed development by reason of its intensification and overdevelopment of the site would result in harm to the character and appearance of the area given the increase in occupation, potential associated traffic movements and parking pressures which would be harmful to the amenity of the street scene and surrounding area, exacerbated by the prevailing character of single dwellinghouses and the site being at the turning head of the cul-de-sac, contrary to the National Planning Policy Framework December 2023 and Policies LPRSP15 and LPRHOU2 of the Maidstone Local Plan Review 2024.

RESOLVED: That permission be refused and that the Head of Development Management be given delegated powers to finalise the reasons for refusal based on the issues outlined above.

Voting: 12 – For 1 – Against 0 – Abstentions

175. 24/502104/FULL - CHANGE OF USE OF THE LAND FOR THE STATIONING OF TWO MOBILE HOMES AND 2 TOURING CARAVANS AND ERECTION OF TWO DAYROOMS FOR GYPSY/TRAVELLER USE (PART RETROSPECTIVE) - LAND ADJACENT TO GREENGATES, LENHAM ROAD, HEADCORN, KENT

The Committee considered the report of the Head of Development Management.

Mr Christodoulou, on behalf of Headcorn Parish Council, and Mr McKay, agent for the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, with:

The amendment of condition 7 (Site Development Scheme) to include reference to tree protection measures during construction;

The amendment of condition 8 (Landscaping) to make specific reference to the need to increase buffer planting along the southern boundary of the site;

The amendment of conditions 8 (Landscaping) and 9 (Landscaping Implementation) to protect planting for a ten-year rather than a five-year period);

The investigation of and inclusion of a condition if appropriate stating that there shall be no business use of the site; and

The addition of an informative advising the applicant to work with the Council's Landscape Officers on the design and delivery of the landscaping scheme.

2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 10 – For 3 – Against 0 - Abstentions

176. APPEALS LIST

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

177. DURATION OF MEETING

6.00 p.m. to 8.32 p.m.